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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/562,872
Filing Date: December 29, 2005
Appellant(s): FROIDCOEUR ET AL.

Robert M. McDermott, Esq., Reg. No. 41,508
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03 January 2011 appealing from the Office action mailed 30 July 2010.

1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:
Claims 1-18 and 20-27 are rejected and pending.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

| | | |
|--------------------|------------------|---------|
| US 7,454,511 | Weast | 11-2008 |
| US 2003/0220781 A1 | Salmonsen | 11-2003 |
| US 7,065,574 B1 | Saulpaugh et al. | 01-2006 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 13-21 are rejected under 35 U.S.C. 101 because the claims are directed to non-statutory subject matter.

7. With respect to the claim 13, the claim recites A device comprising: a UPnP interface; a renderer that is configured to render content received from at least one media server; and a controller that is configured to control reception of the content from the media server; wherein: the controller is configured to receive a URI via the UPnP interface from an external UPnP Control Point, for receiving a content directory from the media server that provides an organization context of an item of the content at the media server, and to control selection of at least one subsequent item of the content based on the content directory.

The examiner would like to state that the media server could be software. There is nothing in the specification would lead one to believe that the media server is a hardware.

It appears that claim 13 would interpret by one of ordinary skill as a system of software, failing to fall within a statutory category of process, machine, manufacture, or composition of matter. There is no hardware in claim 13.

Examiner respectfully submits that applicants' disclosure (page 1, lines 17-20 reciting "UPnP allows non-IP devices to be proxied by a software component running on IP-compliant devices. Such a component, called Controlled Device (CD) proxy, is responsible for translation and forwarding of UPnP interactions to the proxied device" provides intrinsic evidence that the device of claim 13 is intend to cover "software",

functional descriptive material. As such, the device of "software" alone is not a machine, and it is clearly not a process, manufacture nor composition of matter. Thus, the claim is not limited to statutory subject matter and is therefore nonstatutory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-3, 5-7, 9-11 and 13-27are rejected under 35 U.S.C. 103(a) as being unpatentable over Weast (US 7,454,511 B2), in view of Salmonsen et al (Salmonsen) (US 2003/0220781 A1).

9. With respect to the claim 1, Weast reference teaches a method of enabling a UPnP-compliant MediaRenderer-Control Point combination to use an organizational context of a content item as represented in a UPnP Content Directory Service (*see column 3, lines 35-53, elements 102, Device {Control Point} and 106 Media Renderer are coupled to each other and see figure 4a, Address: Z:\MyMedia\Music*).

Weast fails to explicitly teach the method comprising enabling the combination to receive a URI representative of a Content Directory Service description. However, Salmonsen reference does teach or suggest the method comprising enabling the combination to receive a URI representative of a Content Directory Service description

(*see paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources and see paragraph 0012, lines 1-13 The communication system further comprises an emulator coupled to the media renderer and a control point. The emulator is capable of receiving media content in a non-native format).*

Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Salmonsen to utilize the receiving a URI representative of a Content Directory Service description feature within the enabling a UPnP-compliant MediaRenderer-Control Point combination taught by Weast. The motivation for this would have been to identify a resource by name, location, or another characteristic (*see Salmonsen, paragraph 0123, lines 1-15*).

10. With respect to the claim 2, Salmonsen further teaches comprising enabling the combination to receive the URI together with an objectID representative of the content item (*see paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources*).

The motivation for combining Salmonsen with Weast would be the same as for the claim 1.

11. With respect to the claim 3, Salmonsen further teaches comprising providing a ProtocolInfo string referring to the content item and the organizational context for enabling the combination to retrieve a further URI representative of the content item for being streamed using a streaming protocol (*see paragraph 0050, lines 1-9 and see paragraph 0125, lines 5-11*).

The motivation for combining Salmonsen with Weast would be the same as for the claim 1.

12. With respect to the claim 5, Weast further teaches an electronic device comprising a UPnP-compliant MediaRenderer-Control Point combination configured to exploit an organizational context of a content item as represented in a UPnP Content Directory Service (*see column 3, lines 35-53, elements 102, Device {Control Point} and 106 Media Renderer are coupled to each other and see figure 4a, Address: Z:\MyMedia\Music*).

Weast fails to explicitly teach the device being configured to process a URI representative of the Content Directory description. However, Salmonsen reference does teach or suggest the device being configured to process a URI representative of the Content Directory description (*see paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources... The media directory 518 holds URIs of all files that the server 500 can deliver for rendering (process) and see paragraph 0008, lines 1-11 a communication media device (Control point) comprises an internal media content source, an internal interface coupled to the internal media content source and capable of carrying media content in a native format, and a media renderer*).

Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Salmonsen to utilize the process a URI representative of a Content Directory Service description feature within the enabling a UPnP-compliant MediaRenderer-Control Point combination

taught by Weast. The motivation for this would have been to identify a resource by name, location, or another characteristic (see *Salmonsen, paragraph 0123, lines 1-15*).

13. With respect to the claim 6, Salmonsen further teaches configured to process an objectID, representative of the content item, together with the URI (see *paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources*).

The motivation for combining Salmonsen with Weast would be the same as for the claim 1.

14. With respect to the claim 7, Salmonsen further teaches configured to process a ProtocolInfo string referring to the content item and the organizational context for enabling the combination to retrieve a further URI representative of the content item for being streamed using a streaming protocol (see *paragraph 0050, lines 1-9 and see paragraph 0125, lines 5-11*).

The motivation for combining Salmonsen with Weast would be the same as for the claim 1.

15. With respect to the claim 9, Weast further teaches Control software stored on a non-transient computer-readable medium for installation on and execution by a UPnP-compliant MediaRenderer-Control Point combination for enabling the MediaRenderer to exploit an organizational context of a content item as represented in a UPnP Content Directory Service. (see *column 4, lines 45-52 Processor 202 is employed to execute various software components 214, e.g. media related services 112 and operating system services and see column 3, lines 35-53, elements 102, Device*

{Control Point} and 106 Media Renderer are coupled to each other and see figure 4a, Address: Z:\MyMedia\Music).

Weast fails to explicitly teach the software being configured to process a URI representative of the Content Directory Service description. However, Salmonsen does teach or suggest the software being configured to process a URI representative of the Content Directory Service description (*see paragraph 0019, lines 1-3 FIG. 5 is a component diagram showing various system, hardware, and software components of a server for usage with an emulator interface and see paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources ... The media directory 518 holds URIs of all files that the server 500 can deliver for rendering (process) and see paragraph 0008, lines 1-11 a communication media device (Control point) comprises an internal media content source, an internal interface coupled to the internal media content source and capable of carrying media content in a native format, and a media renderer).*

Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Salmonsen to utilize the receiving a URI representative of a Content Directory Service description feature within the enabling a UPnP-compliant MediaRenderer-Control Point combination taught by Weast. The motivation for this would have been to identify a resource by name, location, or another characteristic (*see Salmonsen, paragraph 0123, lines 1-15*).

16. With respect to the claim 10, Salmonsen further teaches configured to process an objectID, representative of the content item, together with the URI (*see*

paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources).

The motivation for combining Salmonsen with Weast would be the same as for the claim 1.

17. With respect to the claim 11, Salmonsen further teaches configured to process a ProtocolInfo string referring to the content item and the organizational context for enabling the combination to retrieve a further URI representative of the content item for being streamed using a streaming protocol (*see paragraph 0050, lines 1-9 and see paragraph 0125, lines 5-11*).

The motivation for combining Salmonsen with Weast would be the same as for the claim 1.

18. With respect to the claim 13, Weast further teaches A device comprising: a UPnP interface (*see column 2, lines 13-17 user interface being advantageously employed to make visible available UPnP media renderers of the operating environment*);

a renderer that is configured to render content received from at least one media server (*see abstract, lines 1-11 the file system services and the media related services are further equipped to cause a media content to be rendered by a UPNP media renderer*); and

a controller that is configured to control reception of the content from the media server (*see column 5, lines 10-15 an entertainment center controller*);

wherein: the controller is configured to control selection of at least one subsequent item of the content based on the content directory (*see column 3, lines 19-25 UPnP media servers 104 provide media contents 132 to selected ones of UPnP media renderers 106 to render, at the control of control point 102*).

Weast fails to explicitly teach the controller is configured to receive a URI via the UPnP interface from an external UPnP Control Point, for receiving a content directory from the media server that provides an organization context of an item of the content at the media server. However, Salmonsen does teach or suggest the controller is configured to receive a URI via the interface from an external Control Point, for receiving a content directory from the media server that provides an organization context of an item of the content at the media server (*see paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources and see paragraph 0012, lines 1-13 The communication system further comprises an emulator coupled to the media renderer and a control point. The emulator is capable of receiving media content in a non-native format*).

Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Salmonsen to utilize configured to receive a URI via the interface feature within a UPnP interface taught by Weast. The motivation for this would have been to identify a resource by name, location, or another characteristic (*see Salmonsen, paragraph 0123, lines 1-15*).

19. With respect to the claim 14, Weast further teaches wherein the controller is configured as an other UPnP Control Point (*see column 5, lines 10-15 an entertainment center controller*).

20. With respect to the claim 15, Weast further teaches wherein the content directory corresponds to a UPnP Content Directory Service (*see abstract, lines 7-11 dropping the file system entry corresponding to the media content into the file system entry corresponding to the UPNP media renderer.*).

21. With respect to the claim 16, Weast further teaches wherein the controller is configured to automatically select the subsequent item of the content upon conclusion of rendering the item (*see abstract, lines 1-11 media related services that automatically make visible to a user of the computing device and see column 3, lines 19-25 UPnP media servers 104 provide media contents 132 to selected ones of UPnP media renderers 106 to render, at the control of control point 102*).

22. With respect to the claim 17, Weast further teaches wherein the controller automatically selects the subsequent item based on a random selection from a Plurality of items identified in the content directory (*see abstract, lines 1-11 media related services that automatically make visible to a user of the computing device and see column 3, lines 19-25 UPnP media servers 104 provide media contents 132 to selected ones of UPnP media renderers 106 to render, at the control of control point 102*).

23. With respect to the claim 18, Weast further teaches wherein the controller automatically selects the subsequent item based on a logical order of a plurality of items identified in the content directory (*see abstract, lines 1-11 media related services that*

automatically make visible to a user of the computing device and see column 3, lines 19-25 UPnP media servers 104 provide media contents 132 to selected ones of UPnP media renderers 106 to render, at the control of control point 102 and see column 3, lines 1-6 the order of description should not be construed as to imply that these operations are necessarily order dependent).

24. With respect to the claim 20, Salmonsen further teaches wherein the controller is configured to receive the URI together with an identifier of the item for rendering the item (*see paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources and see paragraph 0008, lines 1-11 a communication media device (Control point) comprises an internal media content source, an internal interface coupled to the internal media content source and capable of carrying media content in a native format, and a media renderer*).

25. With respect to the claim 21, Weast further teaches wherein the controller is configured to receive a UPnP ProtocolInfo string that refers to the item and the organizational context to facilitate receiving the item from the media server (*see column 2, lines 1-7 FIGS. 3a-3b illustrate an overview of the protocol and methods for the UPnP control point to interact with and control the UPnP media servers and the UPnP media renders*).

26. With respect to the claim 22, Weast further teaches A method for execution on a UPnP media renderer comprising:

receiving the content item from the media server based on the identification (see column 6, lines 19-24 *receive/pull and render provided media contents 132 from UPnP media servers 104, op 320*),

rendering the content item at the UPnP media renderer (see column 6, lines 19-24 *render a media content, control point device 102 instructs the applicable UPnP media renderers 106 accordingly*),

determining a subsequent content item at the media server to be rendered, based on the context and rendering the subsequent content item (see column 7, lines 41-46 *Upon so determining, file system services 124 and media related services 112 cooperate to cause the corresponding media content*).

Weast fails to explicitly teach receiving an identification of a content item at a media server to be rendered, and a URI corresponding to a context of the content item within the media server, from an external controller,

receiving the context of the content item based on the URI. However, Salmonsen does teach or suggest receiving an identification of a content item at a media server to be rendered, and a URI corresponding to a context of the content item within the media server, from an external controller,

receiving the context of the content item based on the URI (see paragraph 0009, lines 1-15 *receive media content from the out-of-band communication link and emulate the internal media content source so that the media renderer renders and see paragraph 0123, lines 1-15* The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources and see paragraph 0012, lines 1-13 *The communication*

system further comprises an emulator coupled to the media renderer and a control point. The emulator is capable of receiving media content in a non-native format).

Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Salmonsen to utilize configured to receive a URI corresponding to a context of the content feature within receiving the content item from the media server taught by Weast. The motivation for this would have been to identify a resource by name, location, or another characteristic (see *Salmonsen, paragraph 0123, lines 1-15*).

27. With respect to the claim 23, Salmonsen further teaches wherein the URI identifies a UPnP Content Directory Service description (see *paragraph 0123, lines 1-15* *The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources*).

The motivation for combining Salmonsen with Weast would be the same as for the claim 1.

28. With respect to the claim 24, Weast further teaches wherein the external controller corresponds to a UPnP Control Point (see *column 1, lines 51-57 a UPnP control point to discern the media contents available from the various UPnP media servers, and the various UPnP media renderers present in a network domain*).

29. With respect to the claim 25, Weast further teaches wherein the context corresponds, to a content directory at the media server (see *abstract, lines 1-11 the file system entry corresponding to the media content into the file system entry corresponding to the UPNP media renderer*).

30. With respect to the claim 26, Weast further teaches wherein the determining of the subsequent content item is based on a random selection from a plurality of content items identified in the content directory item (*see column 7, lines 41-46 Upon so determining, file system services 124 and media related services 112 cooperate to cause the corresponding media content and see column 3, lines 19-25 UPnP media servers 104 provide media contents 132 to selected ones of UPnP media renderers 106 to render, at the control of control point 102*).

31. With respect to the claim 27, Weast further teaches wherein the determining of the subsequent content item is based on a logical order of a plurality of items identified in the content directory (*see column 7, lines 41-46 Upon so determining, file system services 124 and media related services 112 cooperate to cause the corresponding media content and see column 3, lines 1-6 the order of description should not be construed as to imply that these operations are necessarily order dependent*).

32. Claims 4, 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weast (US 7,454,511 B2), in view of Salmonsen et al (US 2003/0220781 A1) and Saulpaugh et al (US 7,065,574 B1).

33. With respect to the claim 4, Weast and Salmonsen further teaches a method of enabling a UPnP-compliant MediaRenderer-Control Point combination to use an organizational context of a content item as represented in a UPnP Content Directory Service (*see column 3, lines 35-53, elements 102, Device {Control Point} and 106*

*Media Renderer are coupled to each other and see figure 4a, Address:
Z:\MyMedia\Music).*

Weast and Salmonsens fail to explicitly teach the streaming protocol is proprietary. However, Saulpaugh teaches proprietary protocol for interface to the external device (*see column 65, lines 7-13*).

Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Saulpaugh to utilize the protocol for interface to the external device feature within the enabling a UPnP-compliant MediaRenderer-Control Point combination taught by Weast and Salmonsens. The motivation for this would have been to have a control and ownership of the streaming protocol (*see Saulpaugh, column 65, lines 7-13*).

34. With respect to the claim 8, Weast and Salmonsens further teaches a method of enabling a UPnP-compliant MediaRenderer-Control Point combination to use an organizational context of a content item as represented in a UPnP Content Directory Service (*see column 3, lines 35-53, elements 102, Device {Control Point} and 106*

*Media Renderer are coupled to each other and see figure 4a, Address:
1Z:\MyMedia\Music).*

Weast and Salmonsens fail to explicitly teach the streaming protocol is proprietary. However, Saulpaugh teaches proprietary protocol for interface to the external device (*see column 65, lines 7-13*).

Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Saulpaugh to utilize the

protocol for interface to the external device feature within the enabling a UPnP-compliant MediaRenderer-Control Point combination taught by Weast and Salmonsens. The motivation for this would have been to have a control and ownership of the streaming protocol (*see Saulpaugh, column 65, lines 7-13*).

35. With respect to the claim 12, Weast and Salmonsens further teaches a method of enabling a UPnP-compliant MediaRenderer-Control Point combination to use an organizational context of a content item as represented in a UPnP Content Directory Service (*see column 3, lines 35-53, elements 102, Device {Control Point} and 106 Media Renderer are coupled to each other and see figure 4a, Address: 1Z:\MyMedia\Music*).

Weast and Salmonsens fail to explicitly teach the streaming protocol is proprietary. However, Saulpaugh teaches proprietary protocol for interface to the external device (*see column 65, lines 7-13*).

Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Saulpaugh to utilize the protocol for interface to the external device feature within the method of enabling a UPnP-compliant MediaRenderer-Control Point combination taught by Weast and Salmonsens. The motivation for this would have been to have a control and ownership of the streaming protocol (*see Saulpaugh, column 65, lines 7-13*).

(10) Response to Argument

The Appellant argued in substance that:

Point A. Appellant argues on page 7 that Because the device of claim 13, including an interface, a renderer, and a controller must include hardware in order to perform the claimed functions of the device, the applicants respectfully maintain that the rejection of claims 13-18 and 20- 21 under 35 U.S.C. 101 is unwarranted, and should be reversed by the Board.

As to Point A, the Examiner respectively disagrees. The examiner would like to state that an interface, a renderer, and a controller could be interpreted as software. There is nothing in the specification would lead one to believe that an interface, a renderer, and a controller is a hardware.

Examiner respectfully submits that applicants' disclosure (page 1, lines 17-20 reciting "UPnP allows non-IP devices to be proxied by a software component running on IP-compliant devices. Such a component, called Controlled Device (CD) proxy, is responsible for translation and forwarding of UPnP interactions to the proxied device" provides intrinsic evidence that the device of claim 13 is intend to cover "software", functional descriptive material. As such, the device of "software" alone is not a machine, and it is clearly not a process, manufacture nor composition of matter. Thus, the claim is not limited to statutory subject matter and is therefore nonstatutory.

Point B. Appellant argues on page 8 that The combination of Weast and Salmonsen fails to teach or suggest receiving a URI from an external UPnP Control

Point, for receiving a URI representative of a Content Directory Service description, as specifically claimed in claim 1, upon which claims 2-4 depend.

As to Point B, the Examiner respectively disagrees. The examiner would like to state that In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., receiving a URI from an external UPnP Control Point) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner would like to further state that The combination of Weast and Salmonsens does teach or suggest receiving a URI representative of a Content Directory Service description, as specifically claimed in claim 1, upon which claims 2-4 depend. (see *Salmonsens, paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources*). The examiner would like to state that when the media directory stores URI that identifies the content resources, that identification is the description of the media directory and the media directory 518 has to receive Uniform Resource Identifiers (URIs) that identify content resources first before it can store Uniform Resource Identifiers (URIs). Salmonsens further teaches (see *paragraph 0012, lines 1-13 The communication system further comprises an emulator coupled to the media renderer and a control point. The emulator is capable of receiving media content in a non-native format*). The examiner would like to further state that the

media content includes Uniform Resource Identifiers (URIs) that identify content resources in the media directory.

Point C. Appellant argues on page 9 that The combination of Weast and Salmonsen fails to teach or suggest processing a URI representation of a Content Directory Service description, as specifically claimed in claim 9, upon which claims 10-12 depend.

As to Point C, the Examiner respectively disagrees. The examiner would like to state that The combination of Weast and Salmonsen does teach or suggest processing a URI representation of a Content Directory Service description, as specifically claimed in claim 9, upon which claims 10-12 depend (*see Salmonsen, paragraph 0123, lines 1-15* *The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources...Uniform Resource Identifiers are formatted strings that identify a resource by name, location, or another characteristic. The media directory 518 holds URIs of all files that the server 500 can deliver for rendering.*). The examiner would like to state that formatted strings and rendering URIs is processing a URI and that identification is the description of the media directory.

Point D. Appellant argues on page 10 that The combination of Weast and Salmonsen fails to teach or suggest receiving a URI via a UPnP interface from an external UPnP Control Point, fails to teach or suggest receiving a content directory from the media server, and fails to teach or suggest controlling selection of a subsequent item based on the content directory, as specifically claimed in claim 13, upon which claims 14-18 and 20-21 depend.

As to Point D, the Examiner respectively disagrees. The examiner would like to state that The combination of Weast and Salmonsen does teach or suggest receiving a URI via a UPnP interface from an external UPnP Control Point, does teach or suggest receiving a content directory from the media server, and does teach or suggest controlling selection of a subsequent item based on the content directory, as specifically claimed in claim 13, upon which claims 14-18 and 20-21 depend (*see Salmonsen , paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources and see paragraph 0088, lines 1-20, The test interface controller 430 is coupled to a test interface 448 and supports external bus interface request and see paragraph 0012, lines 1-13 The communication system further comprises an emulator coupled to the media renderer and a control point. The emulator is capable of receiving media content in a non-native format and see Weast , column 2, lines 13-17 user interface being advantageously employed to make visible available UPnP media renderers of the operating environment).*).

Point E. Appellant argues on page 11 that The combination of Weast and Salmonsen fails to teach or suggest receiving an identification of a content item at a media server to be rendered and a URI corresponding to a context of the content item within the media server from an external controller, fails to teach or suggest receiving the context of the content item based on the URI, and fails to teach or suggest determining and rendering a subsequent content item from the media server based on the context, as specifically claimed in claim 22, upon which claims 23-27 depend.

As to Point E, the Examiner respectively disagrees. The examiner would like to state that The combination of Weast and Salmonsen does teach or suggest receiving an identification of a content item at a media server to be rendered (*see Weast , column 5, lines 27-35, receipt of each of these responses, control point device 102 requests for the identifications of media contents 132 available from the responding UPnP media server 104 and column 2, lines 13-17 user interface being advantageously employed to make visible available UPnP media renderers of the operating environment*) and a URI corresponding to a context of the content item within the media server from an external controller (*see Salmonsen , paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources and see paragraph 0088, lines 1-20, The test interface controller 430 is coupled to a test interface 448 and supports external bus interface request and see Weast , column 7, lines 25-28, rendering of media contents 132 may be initiated via other techniques, e.g. through a context menu provided in response to a right click of a cursor control device*), does teach or suggest receiving the context of the content item based on the URI (*see Weast , column 7, lines 25-28, rendering of media contents 132 may be initiated via other techniques, e.g. through a context menu provided in response to a right click of a cursor control device*), and does teach or suggest determining and rendering a subsequent content item from the media server based on the context, as specifically claimed in claim 22, upon which claims 23-27 depend (*see Weast, column 7, lines 41-46 Upon so determining, file system services 124 and media related services 112 cooperate to cause the corresponding media content*).

Point F. Appellant argues on page 12 that The combination of Weast and Salmonsen fails to teach or suggest receiving the URI together with an objectID representative of the content item, as specifically claimed in claims 2 and 6, and fails to teach or suggest processing such an objectID, as specifically claimed in claim 10. Claims 20 and 22, upon which claims 23-28 include similar features.

As to Point F, the Examiner respectively disagrees. The examiner would like to state that The combination of Weast and Salmonsen does teach or suggest receiving the URI together with an objectID representative of the content item, as specifically claimed in claims 2 and 6, (*see Salmonsen, paragraph 0123, lines 1-15, The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources and see paragraph 0105, lines 1-15, object block (VOB) transcoder and the virtual content file manager*) and does teach or suggest processing such an objectID, as specifically claimed in claim 10. Claims 20 and 22, upon which claims 23-28 include similar features (*see Salmonsen, paragraph 0105, lines 1-15, object block (VOB) transcoder and the virtual content file manager and see Salmonsen, paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources...Uniform Resource Identifiers are formatted strings that identify a resource by name, location, or another characteristic. The media directory 518 holds URIs of all files that the server 500 can deliver for rendering.*). The examiner would like to state that formatted strings and rendering URIs is processing a URI and that identification is the description of the media directory.

Point G. Appellant argues on page 13 that The combination of Weast and Salmonsen fails to teach or suggest providing a ProtocolInfo string referring to the content item and the organizational context for enabling the combination to retrieve a further URI representative of the content item, as specifically claimed in claims 3 and 7, upon which claims 4 and 8 depend. Claim 11, upon which claim 12 depends, and claim 21 include similar features.

As to Point G, the Examiner respectively disagrees. The examiner would like to state that The combination of Weast and Salmonsen does teach or suggest providing a ProtocolInfo string referring to the content item and the organizational context for enabling the combination to retrieve a further URI representative of the content item, as specifically claimed in claims 3 and 7, upon which claims 4 and 8 depend. Claim 11, upon which claim 12 depends, and claim 21 include similar features (*see Salmonsen, paragraph 0035, lines 1-12, selected content flows from the source 110 to the sink 112 using a suitable transfer protocol 116*).

Point H. Appellant argues on page 14 that The combination of Weast and Salmonsen fails to teach or suggest that the URI corresponding to the content directory is received from a UPnP Control Point, as specifically claimed in claim 13, upon which claims 14-18, and 20-21 depend, and claim 24.

As to Point H, the Examiner respectively disagrees. The examiner would like to state that The combination of Weast and Salmonsen does teach or suggest that the URI corresponding to the content directory is received from a UPnP Control Point, as specifically claimed in claim 13, upon which claims 14-18, and 20-21 depend, and claim

24 (*see Salmonsen , paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources and see paragraph 0088, lines 1-20, The test interface controller 430 is coupled to a test interface 448 and supports external bus interface request and see paragraph 0012, lines 1-13 The communication system further comprises an emulator coupled to the media renderer and a control point. The emulator is capable of receiving media content in a non-native format and see Weast , column 2, lines 13-17 user interface being advantageously employed to make visible available UPnP media renderers of the operating environment).*)

Point I. Appellant argues on page 15 that the combination of Weast and Salmonsen fails to teach or suggest the elements of claims 1,3, 5, 7, 9, and 11. Accordingly, the applicants respectfully maintain that the rejection of claims 4, 8, and 12 under 35 U.S.C. 103(a) that relies on the combination of Weast and Salmonsen for teaching or suggesting the elements of claims 1, 3, 5, 7, 9, and 11 is unfounded, and should be reversed by the Board.

As to Point I, the Examiner respectively disagrees. The examiner would like to state that the combination of Weast and Salmonsen does teach or suggest the elements of claims 1,3, 5, 7, 9, and 11. Accordingly, the rejection of claims 4, 8, and 12 under 35 U.S.C. 103(a) that relies on the combination of Weast and Salmonsen for teaching or suggesting the elements of claims 1, 3, 5, 7, 9, and 11 is founded.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/F. H./

Examiner, Art Unit 2444

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444

Conferees:

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444